

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Fuance <i>et al.</i>)
Application No.:	Attached Herewith)
Title:	Battery Charge Indicator)
Filing Date:	Attached Herewith)
Group Art Unit:	Not Assigned)
Examiner:	Not Assigned)

Petition to Make Special
(37 CFR §1.102 and MPEP §708.02)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby petitions under 37 CFR §1.102 and MPEP §708.02 to make the above-identified application special based on actual infringement of the pending claims in the above-identified patent application. Accompanying this Petition are the following:

- Declaration by John S. Paniaguas in Support of Petition to Make Special Because of Actual Infringement;
- Information Disclosure Statement;
- Form 1449; and
- Petition Fee.

Remarks

In accordance with MPEP §708-02, VIII, Applicant submits the following.

(A) Petition Fee

A check in the amount of \$130.00 as required under 37 CFR §1.17(h) is enclosed. Should it be determined that additional fees are required, the United States Patent and Trademark Office is hereby authorized to charge Deposit Account No. 50-1214 of the undersigned.

(B) Pre-Examination Search

The Applicant's attorneys discovered the following patents by way of an electronic database search.

5,670,862

5,764,030

6,002,237

6,580,249

6,586,130

US2002/00117996

(C) Copies of References

Pursuant to the Notice in the Official Gazette dated August 5, 2003, copies of the references are not being submitted with the Information Disclosure Statement filed concurrently herewith, since the application is being filed after June 30, 2003 and the references consist of U.S. issued patents and a published U.S. patent application.

(D) Summary of the Invention

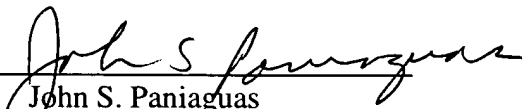
The present invention relates to a relatively simple system for sensing and indicating a nearly full state of charge of a battery such as a lithium ion battery.

In support of the Petition to Make Special, the above-identified application, attached herewith is a Declaration by John S. Paniaguas in Support of Petition to Make Special. It is respectfully submitted that this declaration provide a sufficient showing of infringement as required as MPEP §708.02 II to support a favorable decision to make the above-identified application special.

Conclusion

Applicant respectfully submits that the Petition to Make Special together with the Declaration, Information Disclosure Statement, PTO Form 1449 and Petition Fee satisfy the requirements of 37 CFR §1.102 and MPEP §708.02 to make the above-identified application special. The Commissioner is hereby authorized to charge any additional fees which may be required by this petition to Deposit Account No. 50-1214.

Katten Muchin Zavis Rosenman

By: 
John S. Paniaguas
Registration No. 31,051

Date: Dec 11, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application No.:	Attached Herewith)
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Declaration by John S. Paniaguas in Support of
Petition to Make Special
(37 CFR §1.102 and MPEP §708.02)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, John S. Paniaguas, Registration Number 31,051, am an attorney of record for the Applicant in the above-identified application and make the following declarations:

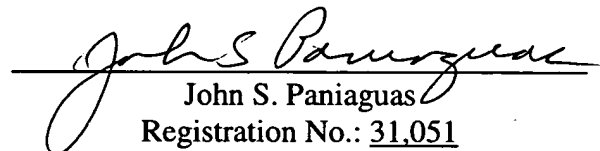
1. I prepared and filed a provisional patent application No. 60/514,337, filed on October 24, 2003. This provisional application is being converted to an utility patent application with claims directed to a single invention.
2. I have made a comparison of the claims pending in the present application and data of a third party battery charger provided to me by the client and have determined that at least some of the claims of the instant application are infringed by the third party battery charger.

3. I have reviewed the references submitted herewith and believe that none of the references disclose a battery charge indicator which senses and displays a nearly fully charged state of a battery directed to a single invention. Accordingly, it is my opinion that all pending claims for the above-identified application are allowable over the references of record.
4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1002 of Title 18 of the United States code, and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

FURTHER, DECLARANT SAIETH NOT.

IN WITNESS WHEREOF, I have signed, sealed and delivered this Declaration this 11 day of December 2003.

KATTEN MUCHIN ZAVIS ROSENMAN


John S. Paniaguas
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